

Canterbury City Council, Leeds City Council, Nottingham City Council and Reading Borough Council
Responses to Questions 15 to 17 in the BIS Consultation on Street Trading and Pedlary (November 2012)

This paper is the joint response of Canterbury City Council, Leeds City Council, Nottingham City Council and Reading Borough Council to questions 15 to 17 of in the BIS Consultation on Street Trading and Pedlary (November 2012).

The councils may be responding separately to questions 1 to 14.

Question 15: Please can local authorities tell us about any other local Acts regulating street trading which are not listed at Annex B of this document (or any Acts listed in Annex B which have in fact been repealed).

Response: None of the councils is aware of any other local Acts which affect their areas.

Question 15.1: Please can local authorities tell us-

(i) whether having screened your local street trading Acts for compliance with the Directive, amendments /repeals need to be made to that legislation;

The 2013 Acts

The Canterbury City Council Act 2013, Leeds City Council Act 2013, Nottingham City Council Act 2013 and Reading Borough Council Act 2013 were promoted by the councils together and are to all intents and purposes identical.

The councils have taken the advice of leading and junior counsel on the question of whether the two Acts are compatible with the Directive and counsels' advice is that they are. No amendments or repeals need to be made to the Acts for reasons of incompatibility.

The County of Kent Act 1981 and the Nottingham City Council Act 1976

Canterbury City Council no longer regulates street trading in the City under Part VI of the County of Kent Act 1981 and Nottingham City Council no longer regulates street trading under the Nottingham City Council Act 1976, because both councils have adopted the street trading provisions of the 1982 Act.

Canterbury City Council would be content for Part VI of the 1981 Act to be repealed in as far as it applies in the City. They cannot speak for the other Kent authorities (although they are aware that Maidstone and Medway are of the same view). Nottingham City Council would be content for the whole of the 1976 Act to be repealed. There are provisions in the Acts that are potentially incompatible, and on that basis, the councils would take up the suggestion in paragraph 1.62 of the consultation document that the relevant parts of these local Acts be repealed.

(ii) if such amendments/ repeals are needed whether you wish us to include them in our regulations.

Yes, as regards the 1976 and 1981 Acts.

If you do wish us to include them in our regulations, please provide us with:

(a) appropriately drafted provisions to achieve the amendments/repeals and any consequential amendments that are needed to local legislation,

(b) an explanation of why all those provisions are needed and

(c) if any consequential amendments are needed to general legislation, an explanation of what is needed

The proposed repeals are set out in the appendix to this response.

Question 16: Please can local authorities tell us-

(i) what consequential amendments are needed to the provisions listed in Annex C as a result of the repeal of the Pedlars Acts (and provide appropriately drafted provisions);

There would be consequential amendments required to the 2013 Acts for two main reasons:

- The four 2013 Acts refer in terms to the Pedlars Act 1871
- The provisions in the Acts which restrict the activities of pedlars expressly say that nothing in them shall be taken to extend the range of activities that comprise acting as a pedlar (see subsection (4) of the pedlar section of each Act). The “range of activities that comprise acting as a pedlar” is a reference to those activities that fall within the ambit of the Pedlars Acts, as considered in a number of cases over the years. If the Pedlars Acts are to be repealed and replaced with a new definition of what constitutes pedlar activities, then further adjustments need to be made to the 2013 Acts.

Amendments have been drafted and are appended to this response and an explanation follows. The amendments to the four Acts are identical.

In general terms, the councils have adopted, on the whole, the wording used in the Bournemouth and Manchester Acts of 2010 to describe the activities (aside from trolley size) that a pedlar can engage in.

Using the Canterbury paragraph numbering:

- 1 This regulation would disapply the provisions put forward by BIS in paragraphs 1(2A) to (2G) of Schedule 4, being inserted by regulation 4(3) in its draft.

First, the four councils do not think that it would appropriate to disregard the views of the House of Lords select committee on their bills, so forcefully reiterated in the third reading debate. Therefore, they have taken the view that the restrictions on the size of trolley imposed by the Lords should be maintained, both in terms of the size, and the application to the designated area. So the provisions for trolley size proposed by BIS are not taken up by the councils, either in terms of size or geographical application.

Secondly, restrictions on trolley size contained in the 2013 Act cannot operate in a vacuum. If the Pedlars Acts are to be repealed, then there needs to be provision also about the way in which pedlars trade in terms of how they get to where they trade, and how they move around. As will be seen below, the councils have taken the view that they prefer the provisions in the Bournemouth and Manchester Acts 2010 (with some adaptations) to the provisions proposed by BIS.

2(3)(a) This regulation inserts a number of new sub-paragraphs in Schedule 4 as it applies in the four areas. It imposes some requirements on pedlars in all cases, and also retains, in designated areas only the requirements imposed by the Lords on trolley size.

The requirements imposed on all pedlars are similar to those that have been put forward by other councils with their own private legislations. They include requirements

- To trade on foot
- To trade only in articles brought on foot (with special provision for temporary traders, allowing articles to be brought from outside the mainland by boat or plane)
- To trade either from house to house or by moving from location to location in accordance with requirements similar to those in Bournemouth and Manchester

2(3)(b) Consequential on the above

2(3)(c) Consequential on repeal of Pedlars Acts

2(3)(d) Picks up on BIS proposal to specifically allow for the sale of living things, and further consequential on the above.

2(4) Consequential on repeal of Pedlars Acts.

As already mentioned, Canterbury and Kent propose that all the street trading provisions of the 1981 Kent Act and the 1976 Nottingham Act should be repealed, so sections 45 and 12 respectively of those Acts would be repealed.

(ii) whether any consequential amendments are needed to other provisions of local Acts as a result of the repeal of the Pedlars Acts (and, if so, provide appropriately drafted provisions);

See above as regards the County of Kent Act 1981 and Nottingham City Council Act 1976.

(iii) if any of the provisions listed in Annex C are no longer in force.

Section 45 of the County of Kent Act 1981 and section 12 of the Nottingham City Council Act 1976 remain in force but as mentioned above, the councils would be content for them to be repealed.

Question 17: Can local authorities tell us-

(i) what consequential amendments are required to the provisions of local Acts listed above at paragraph 1.73 as a result of our proposed amendments to Schedule 4 to the LG(MP)A, and provide appropriately drafted provisions?

N/A. But for the avoidance of doubt, no further consequential amendments are required to the 2013 Acts.

(ii) whether (and, if so, what) consequential amendments are required to any other provisions of local Acts as a result of our proposed amendments to Schedule 4 to the LG(MP)A (and again provide appropriately drafted provisions)?

There are no other local Acts of relevance in the councils' areas.

Sharpe Pritchard

19 March 2013

APPENDIX

Canterbury City Council, Leeds City Council, Nottingham City Council and Reading Borough Council Proposals for Amendments to be included in the Proposed Street Trading and Pedlary Regulations 2013

Part [*]

Provisions applying to the City of Canterbury, the City of Leeds, the City of Nottingham and the Borough of Reading

Application of provisions inserted by regulation 4(3)

1. The provisions of paragraphs 1(2A) to (2G) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 inserted by regulation 4(3) above do not apply in—

- (a) the City of Canterbury;
- (b) the City of Leeds;
- (c) the City of Nottingham;
- (d) the Borough of Reading.

Amendment to the Canterbury City Council Act 2013

2. —(1) The Canterbury City Council Act 2013(a) is amended as follows.

(2) For section 4 substitute—

“4 Pedlars

- (1) In their application to the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modification set out in subsection (2).
- (2) After paragraph 1(2), the following sub-paragraphs are inserted—
 - “(2A) The reference to trading as a pedlar in sub-paragraph (2)(a) above is a reference to trading carried on in accordance with—
 - (a) sub-paragraphs (2B) and (2C) (in relation to all cases); and
 - (b) sub-paragraph (2G) (in relation to trading in a designated area other than by means of visits from house to house).
 - (2B) Trading is carried on in accordance with this sub-paragraph if—
 - (a) the trading is only on foot;

(a) c. i.

- (b) the person trades only in articles which he brought only on foot from the place where the articles were kept overnight to the place where he first trades on the day in question.
- (2C) For the purposes of sub-paragraph (2B)(b) above, if the articles were kept overnight outside mainland England, Wales or Scotland, and were brought to the mainland by ship, boat or other similar vessel or by aircraft, the requirement to bring the articles only on foot shall be read as a requirement to bring the articles on foot from the place where the person disembarked from the ship, boat or other similar vessel or aircraft.
- (2D) Trading by a person is in accordance with this sub-paragraph if it is carried out only by means of visits from house to house or if—
 - (a) the person leaves any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
 - (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,
 whichever comes later;
 - (b) each location he occupies with a view to trading is at a minimum distance of 200 metres from his previous one;
 - (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
 - (d) he does not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person.
- (2E) Nothing in sub-paragraphs (2D)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—
 - (a) he so occupies it on the request of a genuine customer,
 - (b) he begins trading on arrival there, and
 - (c) he leaves as soon as he is able after trading ceases.
- (2F) For the purposes of sub-paragraphs (2D) and (2E) above—
 - (a) a person is trading from such time as he commences the transaction of selling goods to a genuine customer up to the moment when the transaction is completed or aborted but, if another genuine customer is waiting to trade with him at that moment, time shall not be treated as elapsing in any gap between that moment and the commencement of the transaction with the other customer; and
 - (b) measurement of minimum distance operates in a straight line except to the extent that—

- (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property.
- (2G) Trading is carried on in accordance with this sub-paragraph if—
 - (a) it is carried out other than by means of visits from house to house; and
 - (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
 - (i) they are carried, without any other means of support, by the trader during the time in which the trading takes place; or
 - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the trader and in relation to which the condition specified in sub-paragraph (2H) is fulfilled and, if applicable, the condition specified in sub-paragraph (2I) is fulfilled.
- (2H) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
 - (a) a width of 0.75 metres;
 - (b) a depth (front to back) of 0.5 metres;
 - (c) a height of 1.25 metres.
- (2I) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
 - (a) a width of 0.88 metres;
 - (b) a depth (front to back) of 0.83 metres;
 - (c) a height of 1.63 metres.
- (2J) Dimensions for the purposes of sub-paragraphs (2H) and (2I) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2K) In sub-paragraphs (2G) to (2J) "trolley" means any item designed or adapted for use as a container for articles and in sub-paragraphs (2H) to (2J) "display" includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.
- (2L) The articles which may be sold or exposed or offered for sale when trading as a pedlar include living things.
- (2M) In this paragraph a "designated area" means an area of the city designated by resolution of the council in accordance with sub-paragraphs (2O) and (2P).
- (2N) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.

- (2O) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (2P) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
 - (a) in sub-paragraph (2) for "street" there were substituted "area";
 - (b) in sub-paragraph (3)(b) for "the street" there were substituted "the area" and for "that street" there were substituted "a street in that area";
 - (c) in sub-paragraph (4) for "to a street" there were substituted "to an area containing a street" and for "designates as a licence street" there were substituted "relates to an area containing";
 - (d) in sub-paragraph (8) for "such" to the end of the sub-paragraph there were substituted "a resolution for the purposes of section 4 of the Canterbury City Council Act 2012 which relates to the area or any part of it".".

Amendment to the Leeds City Council Act 2013

3.—(1) The Leeds City Council Act 2013**(b)** is amended as follows.

(2) For section 4 substitute—

“4 Pedlars

- (1) In their application to the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modification set out in subsection (2).
- (2) After paragraph 1(2), the following sub-paragraphs are inserted—
 - “(2A) The reference to trading as a pedlar in sub-paragraph (2)(a) above is a reference to trading carried on in accordance with—
 - (a) sub-paragraphs (2B) and (2C) (in relation to all cases); and
 - (b) sub-paragraph (2G) (in relation to trading in a designated area other than by means of visits from house to house).
 - (2B) Trading is carried on in accordance with this sub-paragraph if—
 - (a) the trading is only on foot;
 - (b) the person trades only in articles which he brought only on foot from the place where the articles were kept overnight to the place where he first trades on the day in question.
 - (2C) For the purposes of sub-paragraph (2B)(b) above, if the articles were kept overnight outside mainland England, Wales or Scotland, and were brought to the

(b) c. ii.

mainland by ship, boat or other similar vessel or by aircraft, the requirement to bring the articles only on foot shall be read as a requirement to bring the articles on foot from the place where the person disembarked from the ship, boat or other similar vessel or aircraft.

- (2D) Trading by a person is in accordance with this sub-paragraph if it is carried out only by means of visits from house to house or if—
- (a) the person leaves any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
 - (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,whichever comes later;
 - (b) each location he occupies with a view to trading is at a minimum distance of 200 metres from his previous one;
 - (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
 - (d) he does not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person.
- (2E) Nothing in sub-paragraphs (2D)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—
- (a) he so occupies it on the request of a genuine customer,
 - (b) he begins trading on arrival there, and
 - (c) he leaves as soon as he is able after trading ceases.
- (2F) For the purposes of sub-paragraphs (2D) and (2E) above—
- (a) a person is trading from such time as he commences the transaction of selling goods to a genuine customer up to the moment when the transaction is completed or aborted but, if another genuine customer is waiting to trade with him at that moment, time shall not be treated as elapsing in any gap between that moment and the commencement of the transaction with the other customer; and
 - (b) measurement of minimum distance operates in a straight line except to the extent that—
 - (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property.
- (2G) Trading is carried on in accordance with this sub-paragraph if—

- (a) it is carried out other than by means of visits from house to house; and
 - (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
 - (i) they are carried, without any other means of support, by the trader during the time in which the trading takes place; or
 - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the trader and in relation to which the condition specified in sub-paragraph (2H) is fulfilled and, if applicable, the condition specified in sub-paragraph (2I) is fulfilled.
- (2H) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
- (a) a width of 0.75 metres;
 - (b) a depth (front to back) of 0.5 metres;
 - (c) a height of 1.25 metres.
- (2I) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
- (a) a width of 0.88 metres;
 - (b) a depth (front to back) of 0.83 metres;
 - (c) a height of 1.63 metres.
- (2J) Dimensions for the purposes of sub-paragraphs (2H) and (2I) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2K) In sub-paragraphs (2G) to (2J) "trolley" means any item designed or adapted for use as a container for articles and in sub-paragraphs (2H) to (2J) "display" includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.
- (2L) The articles which may be sold or exposed or offered for sale when trading as a pedlar include living things.
- (2M) In this paragraph a "designated area" means an area of the city designated by resolution of the council in accordance with sub-paragraphs (2O) and (2P).
- (2N) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (2O) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.

- (2P) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
- (a) in sub-paragraph (2) for "street" there were substituted "area";
 - (b) in sub-paragraph (3)(b) for "the street" there were substituted "the area" and for "that street" there were substituted "a street in that area";
 - (c) in sub-paragraph (4) for "to a street" there were substituted "to an area containing a street" and for "designates as a licence street" there were substituted "relates to an area containing";
 - (d) in sub-paragraph (8) for "such" to the end of the sub-paragraph there were substituted "a resolution for the purposes of section 4 of the Leeds City Council Act 2012 which relates to the area or any part of it".".

Amendment to the Nottingham City Council Act 2013

4.—(1) The Nottingham City Council Act 2013(c) is amended as follows.

(2) For section 5 substitute—

"5 Pedlars

- (1) In their application to the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modification set out in subsection (2).
- (2) After paragraph 1(2), the following sub-paragraphs are inserted—
 - “(2A) The reference to trading as a pedlar in sub-paragraph (2)(a) above is a reference to trading carried on in accordance with—
 - (a) sub-paragraphs (2B) and (2C) (in relation to all cases); and
 - (b) sub-paragraph (2G) (in relation to trading in a designated area other than by means of visits from house to house).
 - (2B) Trading is carried on in accordance with this sub-paragraph if—
 - (a) the trading is only on foot;
 - (b) the person trades only in articles which he brought only on foot from the place where the articles were kept overnight to the place where he first trades on the day in question.
 - (2C) For the purposes of sub-paragraph (2B)(b) above, if the articles were kept overnight outside mainland England, Wales or Scotland, and were brought to the mainland by ship, boat or other similar vessel or by aircraft, the requirement to bring the articles only on foot shall be read as a requirement to bring the articles

(c) c. iii.

on foot from the place where the person disembarked from the ship, boat or other similar vessel or aircraft.

- (2D) Trading by a person is in accordance with this sub-paragraph if it is carried out only by means of visits from house to house or if—
- (a) the person leaves any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
 - (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,whichever comes later;
 - (b) each location he occupies with a view to trading is at a minimum distance of 200 metres from his previous one;
 - (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
 - (d) he does not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person.
- (2E) Nothing in sub-paragraphs (2D)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—
- (a) he so occupies it on the request of a genuine customer,
 - (b) he begins trading on arrival there, and
 - (c) he leaves as soon as he is able after trading ceases.
- (2F) For the purposes of sub-paragraphs (2D) and (2E) above—
- (a) a person is trading from such time as he commences the transaction of selling goods to a genuine customer up to the moment when the transaction is completed or aborted but, if another genuine customer is waiting to trade with him at that moment, time shall not be treated as elapsing in any gap between that moment and the commencement of the transaction with the other customer; and
 - (b) measurement of minimum distance operates in a straight line except to the extent that—
 - (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property.
- (2G) Trading is carried on in accordance with this sub-paragraph if—
- (a) it is carried out other than by means of visits from house to house; and

- (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
 - (i) they are carried, without any other means of support, by the trader during the time in which the trading takes place; or
 - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the trader and in relation to which the condition specified in sub-paragraph (2H) is fulfilled and, if applicable, the condition specified in sub-paragraph (2I) is fulfilled.
- (2H) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
 - (a) a width of 0.75 metres;
 - (b) a depth (front to back) of 0.5 metres;
 - (c) a height of 1.25 metres.
- (2I) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
 - (a) a width of 0.88 metres;
 - (b) a depth (front to back) of 0.83 metres;
 - (c) a height of 1.63 metres.
- (2J) Dimensions for the purposes of sub-paragraphs (2H) and (2I) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2K) In sub-paragraphs (2G) to (2J) "trolley" means any item designed or adapted for use as a container for articles and in sub-paragraphs (2H) to (2J) "display" includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.
- (2L) The articles which may be sold or exposed or offered for sale when trading as a pedlar include living things.
- (2M) In this paragraph a "designated area" means an area of the city designated by resolution of the council in accordance with sub-paragraphs (2O) and (2P).
- (2N) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (2O) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (2P) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—

- (a) in sub-paragraph (2) for "street" there were substituted "area";
- (b) in sub-paragraph (3)(b) for "the street" there were substituted "the area" and for "that street" there were substituted "a street in that area";
- (c) in sub-paragraph (4) for "to a street" there were substituted "to an area containing a street" and for "designates as a licence street" there were substituted "relates to an area containing";
- (d) in sub-paragraph (8) for "such" to the end of the sub-paragraph there were substituted "a resolution for the purposes of section 4 of the Nottingham City Council Act 2012 which relates to the area or any part of it".".

Amendment to the Reading Borough Council Act 2013

5.—(1) The Reading Borough Council Act 2013(**d**) is amended as follows.

(2) For section 5 substitute—

“5 Pedlars

- (1) In their application to the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modification set out in subsection (2).
- (2) After paragraph 1(2), the following sub-paragraphs are inserted—
 - “(2A) The reference to trading as a pedlar in sub-paragraph (2)(a) above is a reference to trading carried on in accordance with—
 - (a) sub-paragraphs (2B) and (2C) (in relation to all cases); and
 - (b) sub-paragraph (2G) (in relation to trading in a designated area other than by means of visits from house to house).
 - (2B) Trading is carried on in accordance with this sub-paragraph if—
 - (a) the trading is only on foot;
 - (b) the person trades only in articles which he brought only on foot from the place where the articles were kept overnight to the place where he first trades on the day in question.
 - (2C) For the purposes of sub-paragraph (2B)(b) above, if the articles were kept overnight outside mainland England, Wales or Scotland, and were brought to the mainland by ship, boat or other similar vessel or by aircraft, the requirement to bring the articles only on foot shall be read as a requirement to bring the articles on foot from the place where the person disembarked from the ship, boat or other similar vessel or aircraft.
 - (2D) Trading by a person is in accordance with this sub-paragraph if it is carried out only by means of visits from house to house or if—

(d) c. iv.

- (a) the person leaves any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
 - (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,
 whichever comes later;
 - (b) each location he occupies with a view to trading is at a minimum distance of 200 metres from his previous one;
 - (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
 - (d) he does not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person.
- (2E) Nothing in sub-paragraphs (2D)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—
- (a) he so occupies it on the request of a genuine customer,
 - (b) he begins trading on arrival there, and
 - (c) he leaves as soon as he is able after trading ceases.
- (2F) For the purposes of sub-paragraphs (2D) and (2E) above—
- (a) a person is trading from such time as he commences the transaction of selling goods to a genuine customer up to the moment when the transaction is completed or aborted but, if another genuine customer is waiting to trade with him at that moment, time shall not be treated as elapsing in any gap between that moment and the commencement of the transaction with the other customer; and
 - (b) measurement of minimum distance operates in a straight line except to the extent that—
 - (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property.
- (2G) Trading is carried on in accordance with this sub-paragraph if—
- (a) it is carried out other than by means of visits from house to house; and
 - (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
 - (i) they are carried, without any other means of support, by the trader during the time in which the trading takes place; or

- (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the trader and in relation to which the condition specified in sub-paragraph (2H) is fulfilled and, if applicable, the condition specified in sub-paragraph (2I) is fulfilled.
- (2H) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—
 - (a) a width of 0.75 metres;
 - (b) a depth (front to back) of 0.5 metres;
 - (c) a height of 1.25 metres.
- (2I) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
 - (a) a width of 0.88 metres;
 - (b) a depth (front to back) of 0.83 metres;
 - (c) a height of 1.63 metres.
- (2J) Dimensions for the purposes of sub-paragraphs (2H) and (2I) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2K) In sub-paragraphs (2G) to (2J) "trolley" means any item designed or adapted for use as a container for articles and in sub-paragraphs (2H) to (2J) "display" includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.
- (2L) The articles which may be sold or exposed or offered for sale when trading as a pedlar include living things.
- (2M) In this paragraph a "designated area" means an area of the city designated by resolution of the council in accordance with sub-paragraphs (2O) and (2P).
- (2N) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (2O) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (2P) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
 - (a) in sub-paragraph (2) for "street" there were substituted "area";
 - (b) in sub-paragraph (3)(b) for "the street" there were substituted "the area" and for "that street" there were substituted "a street in that area";

- (c) in sub-paragraph (4) for "to a street" there were substituted "to an area containing a street" and for "designates as a licence street" there were substituted "relates to an area containing";
- (d) in sub-paragraph (8) for "such" to the end of the sub-paragraph there were substituted "a resolution for the purposes of section 4 of the Reading Borough Council Act 2012 which relates to the area or any part of it"."."

Repeal of local legislation

6. The following provisions are repealed—

- (a) the Nottingham City Council Act 1976**(e)**;
- (b) Part VI of the County of Kent Act 1981**(f)**, so far as it applies in the City of Canterbury.

(e) c.xiv.
(f) c.xviii.